

In The Matter Of:

*James H. Gorbey, Jr., et al v.
Robert Longwell, et al*

*Salvador Ortiz-Britto
February 23, 2006*

*B&R Services for Professionals, Inc.
235 S. 13th Street
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February 23, 2006

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF DELAWARE

JAMES H. GORBEY, JR., : CIVIL ACTION
Administrator of the
ESTATE of MARISSA ROSE : NO. 04-4098
FISHMAN, Disseised :

-vs-

RICHARD LONGWELL :

JAMES H. GORBEY, JR., : CIVIL ACTION
Administrator of the
ESTATE of MARISSA ROSE : NO. 04-4118
Deceased :

-vs-

ASHLAND CONSTRUCTION
COMPANY, INC., et al :

Oral deposition of Salvador
Ortiz-Britto, taken on behalf of the Plaintiff,
in the Law Offices of MURPHY, SPADARO & LONDON,
1011 Centre Road, Wilmington, Delaware, on
Thursday, February 23, 2006, commencing at or
about 10:15 a.m., before Colleen A. Young, Court
Reporter - Notary Public.

B & R SERVICES FOR PROFESSIONALS, INC.
235 SOUTH 13th STREET
PHILADELPHIA, PENNSYLVANIA 19107
(215) 546-7400
B&R Services for Professionals, Inc.

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APPEARANCES:

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Counsel for Defendant Ashland Construction
Company, Inc.

Also Present:

Ana V. Osborne, Interpreter

B&R Services for Professionals, Inc.

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I N D E X

WITNESS	PAGE
Salvador Ortiz-Britto	
By Mr. Casey	4-57
By Mr. Hart	47
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By Mr. Landon	

E X H I B I T S

NO.	PAGE
(None marked at this time)	

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(It is stipulated and agreed by and
between counsel that the reading, signing,
sealing, filing and certification of the
within deposition be waived; and that all
objections, except as to the form of the
question, be reserved until the time of
trial.)

ANA V. OSBORNE, having been duly
sworn to interpret the testimony as follows:

SALVADOR ORTIZ-BRITTO, having been
duly sworn was examined and testified as
follows:

BY MR. CASEY:

Q. Good morning, Mr. Ortiz. Do you speak any
English?

A. No.

Q. Do you understand English? When I ask you
questions in English, do you understand them?

A. No.

Q. Where do you live, sir?

A. Right here in Wilmington.

Q. What is the address?

A. Hudson, 300.

Q. Wilmington, Delaware?

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1] A. Yes.
2] Q. What is the zip code?
3] A. My phone number is 654-1984. That is my
4] phone.
5] Q. What is the zip code?
6] A. Really, I don't know.
7] Q. Okay. With whom do you live at that
8] address?
9] A. With my brothers, and my sister and my
10] brother-in-law.
11] Q. For how long have you lived at that
12] address, sir?
13] A. I have a month that I arrive.
14] Q. From where?
15] A. From Mexico.
16] Q. You understand that you're here to give a
17] deposition, an interview, in relation to a
18] drowning incident that occurred in August of 2002
19] at a home at which you were working?
20] A. Yes.
21] Q. For how long prior to August of 2002 had
22] you been in the United States?
23] A. More or less, maybe nine months to a year.
24] Q. Okay. Nine months to a year prior to

11] Q. Are you talking about Ashland Construction?
12] A. Yes.
13] Q. That was the first job that you had?
14] A. Yes.
15] Q. How long after you arrived in the United
16] States did you first start working for Ashland
17] Construction?
18] A. Before coming to the United States?
19] Q. No, after you arrived in the United States.
20] A. After I left, that was about a year.
21] Q. I'm not sure I understand what you mean.
22] How long after you arrived in this country in
23] 2001, did you start working for Mr. Rizzo at
24] Ashland Construction?
15] A. After I arrive?
16] Q. Yes.
17] A. Almost immediately. Almost immediately I
18] start working, because my brothers are working
19] with this company and they refer me to this
20] company.
21] Q. I see. So that would have been in the year
22] 2001?
23] A. Yes.
24] Q. Did you file income tax returns in the

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11] August of 2002. Was that the first time that
12] you had been in the United States?
13] A. No. That was my first time in the United
14] States, and this is my second.
15] Q. All right. So the first time that you had
16] ever set foot in the United States was
17] approximately nine to ten months prior to August
18] of 2002?
19] A. Yes.
20] Q. Did you have other family members living in
21] the United States at that time, when you first
22] arrived here?
23] A. Yes, my brothers.
24] Q. Where did you first work upon arriving in
the United States in the 2001 calendar year,
which is what it would have to be?
A. When a company that was Veni (sic), that
was called Veni.
Q. B-E-N-I?
A. V-E-N-I.
Q. What type of company is Veni?
A. They do all kind of construction work.
They do all kind of things. Tables, stools, all
kinds of construction.

11] United States in the year 2001?
12] A. No.
13] Q. Did Mr. Rizzo pay you under the table when
14] you worked for him?
15] A. No. He used to give me checks.
16] Q. Is that how you've been paid by him since
17] you've been working for him?
18] A. Yes.
19] Q. Shortly after arriving here in 2001 and
20] starting to work for Mr. Rizzo, where did you
21] live?
22] A. 4th Street.
23] Q. What is the address?
24] A. I don't know. I only know that it's on 4th
Street.
Q. In Wilmington?
A. Yes.
Q. Have you worked for anyone else besides Mr.
Rizzo during the time that you've been in the
United States?
A. No.
MR. CASEY: Off the record.
(Whereupon a discussion was held off
the record.)